

### **REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed July 3, 2008 rejected claims 1-24. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-32 are pending. More specifically, claims 25-32 are added. No new matter is added to the present application by these amendments.

#### **I. Present Status of Patent Application**

Claims 1-5, 7-10, 12-21, and 23-24 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). Claims 6, 11, and 22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.* (U.S. Publication No. 2004/0015961). Claims 1, 9, and 17 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). These rejections are respectfully traversed.

#### **II. Rejections Under 35 U.S.C. §102(e)**

##### **A. Claims 1-5 and 7-8**

The Office Action rejects claims 1-5 and 7-8 under 35 U.S.C. §102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). For at least the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 1** recites:

1. A method comprising:

receiving a device driver file and a first portion of network-specific data from a station by a host computing device, the **network-specific data comprising data for setting a network access level for the station**;

installing at said host computing device a device driver that is represented by said device driver file; and

transmitting a data block into a shared-communications medium that constitutes a network, wherein said host computing device generates said data block and wherein said host computing device uses said device driver to transfer said data block to said station; wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicants respectfully submit that claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features of the claim at issue. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicants respectfully submit that independent claim 1, is allowable for at least the reason that *Bunger* does not disclose, teach, or suggest at least **network-specific data comprising data for setting a network access level for the station**.

Even if, assuming for the sake of argument, *Bunger* discloses designating files that a user has access to, *Bunger* fails to disclose network-specific data comprising data for setting a network access level for the station. Designating files that a user has access to fails to disclose designating a network access level. Therefore, *Bunger* does not anticipate independent claim 1, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 1-5, and 7-8 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 1-5, and 7-8 contain all the features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 1-5, and 7-8 are patentable over *Bunger*, the rejection of claims 1-5, and 7-8 should be withdrawn and the claims allowed.

B. Claims 9-10 and 12-16

The Office Action rejects claims 9-10 and 12-16 under 35 U.S.C. §102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). For at least the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 9** recites:

9. An apparatus comprising:
- a memory for storing a device driver file and a first portion of network-specific data, the ***network-specific data comprising data for setting a network access level for the apparatus;***
  - a host interface for transferring said device driver file and said first portion of network-specific data to a host computing device; and
  - a transmitter for transmitting a data block into a shared-communications medium that constitutes a network, wherein said data block is received from said host computing device using a device driver that is that is represented by said driver file;
- wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicants respectfully submit that claim 9 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above.

Applicants respectfully submit that independent claim 9 is allowable for at least the reason that *Bunger* does not disclose, teach, or suggest at least **network-specific data comprising data for setting a network access level for the apparatus.**

Even if, assuming for the sake of argument, *Bunger* discloses designating files that a user has access to, *Bunger* fails to disclose network-specific data comprising data for setting a network access level for the apparatus. Designating files that a user has access to fails to disclose designating a network access level. Therefore, *Bunger* does not anticipate independent claim 9, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 9 is allowable over the cited references of record, dependent claims 10, and 12-16 (which depend from independent

claim 9) are allowable as a matter of law for at least the reason that dependent claims 10, and 12-16 contain all the features of independent claim 9. Therefore, since dependent claims 10, and 12-16 are patentable over *Bunger*, the rejection of claims 10, and 12-16 should be withdrawn and the claims allowed.

C. Claims 17-21 and 23-24

The Office Action rejects claims 17-21 and 23-24 under 35 U.S.C. §102(e) as allegedly being anticipated by *Bunger* (U.S. Patent No. 6,944,859). For at least the reasons set forth below, Applicants respectfully traverses the rejection.

**Independent claim 17 recites:**

17. An apparatus comprising:  
a transceiver for:

- 1) receiving a device driver file and a first portion of network-specific data to a host computing device, the **network-specific data comprising data for setting a network access level for the apparatus**; and
- 2) transmitting a data block into a shared-communications medium that constitutes a network; and a

host computing device for:

- 1) installing a device driver that is represented by said device driver file;
- 2) generating said data block; and
- 3) using said device driver to transfer said data block to said transceiver, wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicants respectfully submit that claim 17 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above.

Applicants respectfully submit that independent claim 17 is allowable for at least the

reason that *Bunger* does not disclose, teach, or suggest at least **network-specific data comprising data for setting a network access level for the apparatus**.

Even if, assuming for the sake of argument, *Bunger* discloses designating files that a user has access to, *Bunger* fails to disclose network-specific data comprising data for setting a network access level for the apparatus. Designating files that a user has access to fails to disclose designating a network access level. Therefore, *Bunger* does not anticipate independent claim 17, and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 17 is allowable over the cited references of record, dependent claims 18-21, and 23-24 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-21, and 23-24 contain all the features of independent claim 17. Therefore, since dependent claims 18-21, and 23-24 are patentable over *Bunger*, the rejection of claims 18-21, and 23-24 should be withdrawn and the claims allowed.

III. **Rejections Under 35 U.S.C. §103(a)**

A. **Claims 1 and 6**

The Office Action rejects claim 1 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). The Office Action rejects claim 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.*

(U.S. Publication No. 2004/0015961). For at least the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 1 recites:**

1. A method comprising:
  - receiving a device driver file and a first portion of network-specific data from a station by a host computing device, the ***network-specific data comprising data for setting a network access level for the station;***
  - installing at said host computing device a device driver that is represented by said device driver file; and
  - transmitting a data block into a shared-communications medium that constitutes a network, wherein said host computing device generates said data block and wherein said host computing device uses said device driver to transfer said data block to said station; wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicants respectfully submit that claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicants respectfully submit that independent claim 1 is allowable for at least the reason that the combination of *Bunger* and *Cheshire* does not disclose, teach, or suggest at least **network-specific data comprising data for setting a network access level for the station.**

Even if, assuming for the sake of argument, *Bunger* discloses designating files that a user has access to, *Bunger* fails to disclose network-specific data comprising data for setting a network access level for the station. Designating files that a user has access to fails to disclose designating a network access level.

Even if, assuming for the sake of argument, *Cheshire* discloses including presentation information with the network configuration information provided to a client accessing the network, *Cheshire* fails to disclose network-specific data comprising data for setting a network access level for the station. The specification discloses that the network-specific data enables the devices to configure the access to a particular network of interest. See Specification paragraph [0007]. The specification also discloses that the configuration addresses the identification and access control of the network. See Specification, paragraph [0022]. *Cheshire* fails to disclose such network configuration information. As the cited the combination of *Bunger and Cheshire* does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claim 6 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 6 contains all the features of independent claim 1. Therefore, the rejection of claim 6 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 6, *Chefalas* does not make up for the deficiencies of *Bunger and Cheshire* noted above. Therefore, claim 6 is considered patentable over any combination of these documents for at least the reason that claim 6 incorporates allowable features of claim 1 as set forth above.



B. Claims 9 and 11

The Office Action rejects claim 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). The Office Action rejects claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.* (U.S. Publication No. 2004/0015961). For at least the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 9** recites:

9. An apparatus comprising:

- a memory for storing a device driver file and a first portion of network-specific data, the **network-specific data comprising data for setting a network access level for the apparatus;**
  - a host interface for transferring said device driver file and said first portion of network-specific data to a host computing device; and
  - a transmitter for transmitting a data block into a shared-communications medium that constitutes a network, wherein said data block is received from said host computing device using a device driver that is that is represented by said driver file;
- wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicants respectfully submit that claim 9 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicants respectfully submit that independent claim 9 is allowable for at least the reason that the combination of *Bunger* and *Cheshire* does not disclose, teach, or

suggest at least **network-specific data comprising data for setting a network access level for the apparatus.**

Even if, assuming for the sake of argument, *Bunger* discloses designating files that a user has access to, *Bunger* fails to disclose network-specific data comprising data for setting a network access level for the apparatus. Designating files that a user has access to fails to disclose designating a network access level.

Even if, assuming for the sake of argument, *Cheshire* discloses including presentation information with the network configuration information provided to a client accessing the network, *Cheshire* fails to disclose **network-specific data comprising data for setting a network access level for the apparatus.** The specification discloses that the network-specific data enables the devices to configure the access to a particular network of interest. See Specification paragraph [0007]. The specification also discloses that the configuration addresses the identification and access control of the network. See Specification, paragraph [0022]. *Cheshire* fails to disclose such network configuration information. As the cited combination of *Bunger* and *Cheshire* does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 9, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 9 is allowable over the cited references of record, dependent claim 11 (which depends from independent claim 9) is allowable as a matter of law for at least the reason that dependent claim 11 contains all the features of independent claim 9. Therefore, the rejection of claim 11 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 11, *Chefalas* does not make up for the deficiencies of *Bunger* and *Cheshire* noted above. Therefore, claim 11 is considered patentable over any combination of these documents for at least the reason that claim 11 incorporates allowable features of claim 9 as set forth above.

C. Claims 17 and 22

The Office Action rejects claim 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Cheshire* (U.S. Patent No. 7,080,132). The Office Action rejects claim 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bunger* (U.S. Patent No. 6,944,859) in view of *Chefalas, et al.* (U.S. Publication No. 2004/0015961). For at least the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 17** recites:

17. An apparatus comprising:  
a transceiver for:

- 1) receiving a device driver file and a first portion of network-specific data to a host computing device, the **network-specific data comprising data for setting a network access level for the apparatus**; and
- 2) transmitting a data block into a shared-communications medium that constitutes a network; and a

host computing device for:

- 1) installing a device driver that is represented by said device driver file;
- 2) generating said data block; and
- 3) using said device driver to transfer said data block to said transceiver, wherein said first portion of network-specific data defines said network.

(Emphasis added).

Applicants respectfully submit that claim 17 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicants respectfully submit that independent claim 17 is allowable for at least the reason that the combination of *Bunger* and *Cheshire* does not disclose, teach, or suggest at least **network-specific data comprising data for setting a network access level for the apparatus**.

Even if, assuming for the sake of argument, *Bunger* discloses designating files that a user has access to, *Bunger* fails to disclose network-specific data comprising data for setting a network access level for the apparatus. Designating files that a user has access to fails to disclose designating a network access level.

Even if, assuming for the sake of argument, *Cheshire* discloses including presentation information with the network configuration information provided to a client accessing the network, *Cheshire* fails to disclose network-specific data comprising data for setting a network access level for the apparatus. The specification discloses that the network-specific data enables the devices to configure the access to a particular network of interest. See Specification paragraph [0007]. The specification also discloses that the configuration addresses the identification and access control of the network. See Specification, paragraph [0022]. *Cheshire* fails to disclose such network configuration information. As the cited combination of *Bunger* and *Cheshire* does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 17, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 17 is allowable over the cited references of record, dependent claim 22 (which depends from independent claim 17) is allowable as a matter of law for at least the reason that dependent claim 17 contains all the features of independent claim 17. Therefore, the rejection of claim 22 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 22, *Chefalas* does not make up for the deficiencies of *Bunger* and *Cheshire* noted above. Therefore, claim 22 is considered patentable over any combination of these documents for at least the reason that claim 22 incorporates allowable features of claim 17 as set forth above.

#### **IV. Miscellaneous Issues**

Applicant respectfully submits that newly added claims 25-32 are allowable over the references of record for at least the reason that the references fail to disclose, teach, or suggest, either implicitly or explicitly, all the elements of claims 25-32 including at least that the network-specific data comprising data for setting a network access level for the station. Applicant respectfully submits that no new matter is added with the new claims. Additionally, newly added claims 25-32 are intended to fall under the purview of 35 U.S.C. §112 (6), and claims 1-24 do not.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly,

should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-32 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 50-0835.

Respectfully submitted,

/BAB/

**Benjamin A. Balser, Reg. No. 58,169**

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1500  
600 Galleria Parkway  
Atlanta, Georgia 30339  
(770) 933-9500  
Customer No.: 38823